

Notice of Allowability

Application No.

10/805,341

Examiner

Timothy J. Kugel

Applicant(s)

TSUTSUI ET AL.

Art Unit

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment after non-final rejection filed 27 August 2007.
2. ☒ The allowed claim(s) is/are 1,2,4-7 and 11-13.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892).
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 9-18-2007
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. Claims 1, 2, 3-7 and 11-13 are pending as amended on 27 August 2007, claims 3, 8-10 and 14-16 being cancelled.
2. The text of those sections of Title 35, US Code not included in this action can be found in a prior Office action.

Response to Amendment

3. Applicant's amendment to independent claims 1, 12 and 13, filed 27 August 2007, specifically requiring that only one of the polymers is in the form of a three-dimensional crosslinked structure, has been fully considered and overcomes the following:

The rejection of claims 1, 2, 4-9 and 11-16 under 35 USC 103(a) as being unpatentable over US Patent 6,287,485 (Akashi hereinafter) as evidenced by George W. Scherer, "Gel", in AccessScience@McGraw-Hill, <http://www.accessscience.com>, DOI 10.1036/1097-8542.283800, last modified: July 1, 2002 (Scherer hereinafter) in view of US Patent 4,891,119 (Ogawa hereinafter) has been withdrawn.

The rejection of claims 1, 2, 4-9 and 14 under 35 USC 103(a) as being unpatentable over Franck Ilmain wt al.; Volume Transition in a Gel Driven by Hydrogen Bonding; *Nature*; Jan 31, 1991; 349: 6308 (Ilmain hereinafter) as evidenced by Scherer in view of Ogawa has been withdrawn.

Allowable Subject Matter

4. Claims 1, 2, 3-7 and 11-13 are allowed.

The following is an examiner's statement of reasons for allowance: Akashi and IImain, the closest prior art, teach similar compositions and devices; however, both teach interpenetrating networks of two or more polymers not a three-dimensional crosslinked structure of a single polymer with at least one soluble polymer dispersed therein as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Kugel whose telephone number is (571) 272-1460. The examiner can normally be reached 6:00 AM – 4:30 PM Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/TJK/
Patent Examiner, AU 1712



RANDY GULAKOV, JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700